REMARKS

This Amendment and Response is in reply to the final Office Action dated January 29, 2008, and is filed alongside a Request for Continued Examination. A three-month extension of time is hereby requested as related to this filing. In the present response, claims 1-3, 11-12, 21-29, 31-32, and 35-38 are amended. Claim 30 is canceled. Applicants wish to thank the Examiner for the careful review and consideration of this application, and respectfully request allowance of the present response in light of the amendments and remarks made herein.

Claim Rejections – 35 U.S.C. § 112

Claims 1-20 and 31-34 are rejected in the Office Action under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant respectfully traverses the rejection.

With respect to claims 1-11, Applicant notes that these claims have been amended to require operation on a computing system. While Applicants disagree with the correctness of this rejection, Applicants assert that, at least based on these amendments, the structural make-up of the claim can be determined. Applicants therefore respectfully request reconsideration and withdrawal of the rejection of claims 1-11.

With respect to claims 12-20 and 31-34, Applicants note that these are method claims. The Office Action indicates that "The examiner is unable to determine what the structural make-up of the system is. The Applicant is claiming a system, however, the claim language is directed toward a data source which is not a device." It appears that this language relates to claims 1-11, and not to claims 12-20 and 31-34, which are method claims. However, no other reason for the rejection of the method claims is provided. Applicants assert that claims 12-20 and 31-34 are not indefinite, and respectfully request reconsideration and withdrawal of the rejection of these claims as well.

Claim Rejections – 35 U.S.C. § 101

Claims 1-11, 21-30, and 35-38 are rejected in the Office Action under 35 U.S.C. § 101, because the claimed invention is directed to non-statutory subject matter. Specifically, the Office Action indicates that these claims are directed to data structure which is nothing more than software or computer-executable instructions. Applicants respectfully traverse the rejection.

With respect to claims 1-11, Applicants disagree with the Examiner, and note that the claims recite a specific system with interrelated modules. Although aspects of this system can be performed in software, the application specifically indicates that interconnected machine modules or hardware logic could be used within a computing system. Application at p. 23. Nevertheless, and in no way conceding the correctness of the rejection, Applicants note that claim 1 is now amended to indicate that the various modules, in forming the claimed system, operate on a computing system. An example of such a configuration is shown in Figure 2 of the application. The computing system provides additional structural details regarding the claimed invention; Applicants therefore assert that claim 1 (and claims 2-11 which depend therefrom) are now statutory subject matter.

With respect to claims 21-30 and 35-38, these claims are amended herein to recite that the computer-implemented methods described in those claims are embodied on a computer-storage medium. Applicants note that computer-storage media are specifically defined on pages 22-23, and are included within the realm of statutory subject matter under § 101.

For at least the above reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-11, 21-30, and 35-38.

Claim Rejections – 35 U.S.C. § 103

The Office Action rejected claims 1-38 under 35 U.S.C. § 103(a) as being obvious over Alfred et al. (U.S. Pub. No. 2003/0187808) in view of Thompson et al. (U.S. Pub. No. 2004/0068485) and in further view of Whiteknucklewelding.com. Applicants respectfully traverse the rejection of these claims.

The present invention is directed to marine product configuration and pricing systems and methods. In particular, the methods and systems of the present invention are able to generate a price that is based upon the differing set of prices for options as a marine product is configured. In addition, the methods and systems of the present invention are directed to display both the customer and dealer cost for all selected items (e.g. the marine product and the optional items available for that marine product) as part of the configuration process.

A.   Claims 1-11

Independent claim 1 recites, among other elements, an index product module, a markup module and a price quoting generation module. The index product module is described as "operating on a computing system for displaying all of available marine products that may be configured by the marine product configuration and pricing system." The markup module is described as "operating on the computing system for specifying an amount a dealer price is to be increased for a marine product and each optional item available for the marine product based upon a specified figure", and the price quoting generation module is described as "operating on the computing system for selecting the marine product and optional items to be included within a configured marine product, the price quoting generation module generating a customer price for the marine product, selected optional items, and a total price for the configured marine product using pricing data from the markup module."

The combination of Alfred et al. with Thompson et al. nor Whiteknucklewelding.com fails to disclose or suggest each of these features of claim 1. First, none of the prior art references discloses or suggests the claimed index product module that displays all available marine products. Alfred et al. discloses an input screen whereby a requester provides information relating to a custom paper product. *See, e.g.*, Alfred et al., ¶ [0099]; FIG. 7. The input screen disclosed in Alfred et al. does not display all of available products because the requester needs to input some information to complete the request for the quotation. Therefore, Alfred et al. fails to disclose an index product module for displaying all of available products, let alone all available marine products, that may be configure as recited in claim 1 of the present

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application. Although the Office Action alleges that Alfred et al. discloses "the requested product is selected from a plurality of products stored in a database based on at least one product specification," there is no indication in that reference that all of the products available are in fact displayed for selection. Rather, as previously explained, a user must enter some type of criteria to receive a listing of products, prior to receiving such a listing. Moreover, neither Thompson et al. nor Whiteknucklewelding.com discloses or suggests an index product module as claimed. Therefore, this element is not disclosed or suggested by the combination of prior art as asserted in the Office Action.

Second, the combination of references fails to disclose or suggest a markup module as claimed, including "specifying an amount a dealer price is to be increased for a marine product and each optional item available for the marine product based upon a specified figure." Alfred et al. discloses marking up the price of a paper product at a constant, prespecified value or rate based on an estimated cost of manufacture of the paper product to customer specifications. *See, e.g.*, Alfred et al., ¶ [0060]. Alfred et al. does not disclose or suggest specifying an amount to increase a dealer price based on both the marine product and additional items, as claimed. Rather, Alfred et al. includes a constant, prespecified markup value for an overall, configured paper product. Further, neither Thompson et al. nor Whiteknucklewelding.com discloses or suggests a markup module as claimed. Therefore, this element is not disclosed or suggested by the combination of prior art as asserted in the Office Action.

Third, the combination of references fails to disclose or suggest a price quoting generation module as claimed, which provides for "selecting the marine product and optional items to be included within a configured marine product, the price quoting generation module generating a customer price for the marine product, selected optional items, and a total price for the configured marine product using pricing data from the markup module." Alfred et al. discloses display of an overall customer cost of a paper product based on the specification provided by a customer. However, not only does Alfred et al. fail to disclose operation on a marine product at all, Alfred et al. also fails to disclose generating a customer price for both a selected product and selected optional items. Alfred et al. only displays a final, overall price (on

per unit basis) for a fully customized paper product. See, e.g., Alfred et al., FIG. 8. Further, neither Thompson et al. nor Whiteknucklewelding.com discloses or suggests a markup module as claimed. Therefore, this element is not disclosed or suggested by the combination of prior art as asserted in the Office Action.

Further, Applicants do not concede that it is proper to combine the disclosures of the references as suggested in the Office Action. However, even if one were to make such combination, the combination fails to disclose or suggest the features recited in claim 1, as discussed above. Accordingly, reconsideration and allowance of claim 1 are respectfully requested, for at least the above reasons.

In addition to the reasons set forth with respect to claim 1, claim 2 further requires that the index product module includes a first hyperlink corresponding to every product that is to be configured. None of the cited references disclose this feature. The Office Action indicates that Alfred et al. does not disclose this element, and does not allege that Whiteknucklewelding.com discloses this element. Furthermore, although the Office Action indicates that Thompson et al. discloses this element, it does not cite any portion of that document that would correspond to the claimed hyperlink. In fact, Thompson et al. does not disclose hyperlinks to products or data about products. That reference instead is described as including all of the necessary ordering information on the order forms themselves, which in turn can be used to export data to other file types. Thompson et al. ¶[0098]. Because Thompson also fails to disclose the claimed hyperlink arrangement, Applicants assert that the combination of references also fails to disclose or suggest this element. For the reasons cited above with respect to claims 1-2, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 2.

Claim 3 depends from claim 2, and further recites the index product module includes a second hyperlink corresponding to every product to be configured which presents specification data corresponding to a particular product. As described with respect to claim 2, the prior art lacks hyperlinks between products to be configured with specification data related to those products. Claim 4 recites the specification data is displayed within an HTML document, and claim 5 recites the specification data is displayed within a PDF document.

As admitted in the Office Action, Alfred et al. fails to disclose above features recited in claims 3-5. *See* pages 6-7 of the Office Action. Further, neither Thompson et al. nor Whiteknucklewelding.com discloses above features. Therefore, claims 3-5 should be allowable at least for the same reasons as with respect to claims 1-2.

Claims 6-11 are dependent on claim 1 and so are also believed to be allowable over the art of record for those reasons discussed above with respect to claim 1. Applicants do not otherwise concede the correctness of the rejection and reserve the right to make additional arguments as may be necessary.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the pending rejection of claims 1-11.

B.   Claims 12-30

Claims 12 and 21 recite, among other things, a method including selecting a configurable marine product from a group of available marine products, selecting one or more optional items from a group of available optional items corresponding to the selected configurable marine product, generating a dealer cost for the selected configurable marine product and the selected one or more optional items from a database of dealer costs, and generating a customer price for the selected configurable marine product and the selected one or more optional items using the dealer costs and a price increase value corresponding to the selected configurable marine product and to each of the selected one or more selected optional items.

For similar reasons to those advanced above regarding claim 1, claims 12 and 21 should also be allowable.

Claims 13-20 and 22-38 are dependent on independent claims 12 and 21 and are also believed to be allowable over the art of record for at least the reasons discussed above with respect to claims 1, 12 and 21. Applicants do not otherwise concede the correctness of the rejection and reserve the right to make additional arguments as may be necessary.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the pending rejection.

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Conclusion

This response is believed to be responsive to all points raised in the Office Action. Accordingly, Applicants respectfully request reconsideration and allowance of all of the currently pending claims. Should the Examiner have any remaining questions or concerns, the Examiner is urged to contact the undersigned attorney to discuss the same.

Respectfully submitted,

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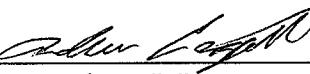
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